REMARKS

Status of Claims 20-23

In the Reply filed March 29, 2004, applicants added new claims 20-23. However, these claims are never addressed in the recent final Office Action of April 23, 2004. Applicants respectfully request issuance of a new Office Action which clearly identifies the status of all pending claims, including claims 20-23.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 9-11, 13-16 and 19 are allowed.

Rejection Under 35 USC §112, Second Paragraph

Claims 1-7, 17 and 18 are rejected on grounds of alleged indefiniteness due to the term "optionally." This rejection is **again** traversed.

In the Office Action of April 23, 2004, the Examiner asserts that applicants did not address the 35 USC §112 issue. This assertion is simply completely wrong. Not only was this issue specifically addressed in the Reply filed March 29, 2004, applicants responded to the rejection by citing clear authority supporting the position that the recitation of optional limitations is not indefinite.

Specifically, applicants previously argued that MPEP 2173.05(h), section III, entitled "Optionally" clearly indicated that the term "optional" was not indefinite. In the Examiner intends to maintain this rejection, applicants request that the Examiner explain why this section of the MPEP is being ignored. In the Reply of March 29, 2004, applicants also cited the Board decisions *Ex parte Cordova*, 10 USPQ2d 1949 (POBA 1989) and *Ex parte Wu*, 10 USPQ2d 2031 (POBA 1989). In each of these decisions, the Board held that the term "optional" was not indefinite. If the Examiner intends to maintain this rejection, applicants request that the Examiner explain why the rejection is being maintained despite the fact that these Board decisions have a contrary holding.

In the Office Action of April 23, 2004, the Examiner argues that claims "must recite actual limitations not optional limitations." Firstly, it is noted that the claims recite actual

features as well as optional features. One of ordinary skill in the art clearly understands the concept of an optional feature. Thus, one of ordinary skill in the art can readily understand whether a given embodiment falls within or without the literal scope of the claim, even if the claim recites optional features. Nothing more is required under the statute.

No authority is cited by the Examiner in making the assertion that claims can not recite optional features. Conversely, applicants have cited uncontroverted authority as to why the recitation of optional features is acceptable. Thus, withdrawal of the rejection is respectfully requested.

In addition, in the Office Action of April 23, 2004, the Examiner argues that it is impermissible to recite features in the alternative, such as "gas inlets or slots." This effectively constitutes a new ground of rejection, one which was not necessitated by amendments made by applicants. **Thus, applicants respectfully request that the finality of the Office Action of April 23, 2004 by withdrawn.**

In any event, the use of alternative expressions within a claim is clearly permissible. For example, the well known Markush practice uses alternative expressions such as "X is A, B, C or D." In any event, alternative expressions are clearly understood by one of ordinary skill in the art. Even the Examiner comments in the rejection indicate that the meaning of alternative expressions are readily understood, i.e., "one or the other." In any event, no authority is cited by the Examiner in making the assertion that claims can not recite alternative features, despite the fact that alternative expressions are commonplace in US claim language.

Finally, the Examiner has cited no rationale or authority as to why claims 1 and 17 have not been examined. Merely because claims recite optional features or alternative expressions does not explain why these claims can not be examined. The allegation of indefiniteness is an insufficient basis to withhold examination of claim on the merits. This is especially true in this case when no authority is cited to support the Examiner's assertions, and clear authority is cited to controvert the Examiner's assertions.

Withdrawal of the rejection and examination of all pending claims is respectfully requested.

Rejection Under 35 USC §103(a)

Claim 8 is rejected as allegedly being obvious in view of Narumiya (US '273). This rejection is also again respectfully traversed.

In the Office Action of April 23, 2004, the Examiner essentially simply restates the rejection from prior Office Action. In response to applicants previous arguments, the Examiner merely states that "since the prior art discloses a material comprising the claimed limitations, the material of the prior art can be used to make a reaction tube."

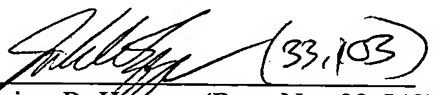
However, this comment is **incorrect** and clearly **does not address the arguments previously presented by applicants.** As applicants previously pointed out, Narumiya (US '273) does not disclose a "material comprising the claimed limitations."

US '273 discloses a gas-permeable thermal insulator which comprises a porous ceramic body of three-dimensional reticulate structure having an average pore diameter of **0.2-10 mm, i.e., 0.2-10 millimeters, not microns**. See, e.g., column 1, lines 59-64. The rejection refers to Tables 1 and 2 at columns 10-11. The average pore diameter in the nine examples presented in these tables ranges from 0.5 mm to 4.1mm.

Thus, US '273 fails to disclose a reaction tube in accordance with applicants' invention. Compare the language in claim 8 reciting a material with pore diameter of 1 to 5μm, i.e., microns. Moreover, US '273 provides no suggestion that would lead one of ordinary skill in the art to modify the gas-permeable thermal insulator so as to arrive at an embodiment in accordance with applicants' invention. Withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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